

REMARKS

The applicants have carefully reviewed the office action mailed on December 29, 2004. In the Office action, the Examiner objected to claims 10, 11 and 12 as having improper dependency. In response, the applicant has amended these claims to change the dependency and the applicant believes that this change corrects the dependency.

The Examiner also rejected claims 1-16 under 35 U.S.C. §102 over U.S. Patent No. 6,161,013 (“the ‘013 patent”) to “Sherman.” The applicant is unsure which reference the Examiner intended to cite because the ‘013 patent does not list an inventor by the name of Sherman.¹ In addition, the system disclosed in the ‘013 patent is a cellular system, not a broadcast system and is different in several respects from the claimed invention. In any event, the applicant addresses the Examiner’s rejections below.

The Examiner rejected claim 1, citing to Figure 3 and indicating that the ‘013 patent teaches encoding the first message layer signal at column 5, lines 33-40. The applicant cannot find any discussion of encoding or modulating in the cited portion. Other citations do not appear to stand for the proposition for which the Examiner cites them. In addition, while the Examiner refers to Figure 3, the Examiner does not cite to portions of the specification that correspond to Figure 3.

Moreover, while Figure 3 appears to disclose some message formats, it does not appear to disclose any signal or message format that includes all of the limitations of independent claim 1, such as a first message layer signal having a combined user identifier and message that are encoded, or a second message layer signal having a source identifier combined with the encoded first message layer to form a second message layer that is encoded. Therefore, because it lacks a

teaching of the elements and limitations, the '013 patent does not anticipate or render obvious the invention claimed in independent claim 1, or claims 2 - 8 depending therefrom.

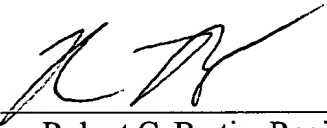
The '013 patent also does not include all of the elements of independent claim 9 for the same reasons set forth above. Therefore, the '013 patent does not anticipate or render obvious the invention claimed in independent claim 9, or claims 10 – 16 depending therefrom.

For the foregoing reasons, reconsideration and allowance of the pending claims is respectfully requested. If the Examiner has any questions about this Amendment and to facilitate prosecution, the Examiner is encouraged to call the undersigned attorney.

Respectfully submitted,

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¹ The Examiner might have intended to refer to U.S. Patent No. 6,707,802, which the applicant located upon reading the office action and which includes an inventor by the name of Sherman. This patent, however, does not appear to teach or suggest the claimed invention.